

TITLE 16. COURT REPORTERS BOARD OF CALIFORNIA NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the Court Reporters Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held in the 3rd Floor Conference Room at 2535 Capitol Oaks Drive, Sacramento, California 95833, at 10:00 a.m. on March 28, 2006. Written comments must be received by the Board at its office (for the Board's address, see Contact Person section on page 3) not later than March 27, 2006 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference Citations

Pursuant to the authority vested by Sections 8007 and 8025 of the Business and Professions Code, and to implement, interpret, or make specific Sections 8025, 8025.1, 8030, 8030.2, 8030.4, 8030.6, and 8030.8 of said Code, the Court Reporters Board of California is considering changes to Division 24 of Title 16 of the California Code of Regulations as follows:

Informative Digest/Plain English Policy Statement Overview

Adopt Section 2475 – Professional Standards of Practice.

Section 8007 of the Business and Professions Code authorizes the Board to adopt, amend, or repeal rules and regulations which are reasonably necessary to carry out the provisions of the chapter. Sections 8025 and 8025.1 allow the Board to suspend, revoke, or deny certification on various grounds as stated in the provisions, including violations of professional standards of practice. Section 8030 et seq. of the Code relates to the Transcript Reimbursement Fund for court reporters (also referred to as "certified shorthand reporters").

There are no existing regulations that specify professional standards of practice relating to the duties of a certified shorthand reporter.

This proposal would adopt the regulations in order to:

- Give notice to licensees of the professional standards of practice, stating that violations of the professional standards of practice may result in the suspension, revocation, or denial of certification

- Identify specific professional standards of practice relating to the duties of a certified shorthand reporter, as listed below.
 - Require truthful advertising, prohibiting licensees from representing themselves as having qualifications or expertise that they do not possess.
 - Require licensees to maintain confidentiality of oral and written information, based upon the proceeding being reported.
 - Require a licensee to perform services within the scope of his or her competence, and allows when there is a lack of such competence for the continuation of reporting after proper notification and when stipulated by all parties or ordered by the presiding officer.
 - Require a licensee to deliver a transcript consistent with dates agreed to, and to notify the parties of delays.
 - Require a licensee to notify parties to a proceeding when there has been a request for preparation of a transcript by another party.
 - Require a licensee to generally treat parties equally.
 - Prohibit a licensee from being compensated in a way that compromises his or her impartiality, such as having an interest in the outcome of the litigation.
 - Prohibit licensees from giving or receiving substantial gifts and/or services to or from likely clients.

Local Mandate

The proposed regulatory action does not impose a mandate on local agencies or school districts.

Fiscal Impact on Public Agencies/STD 399

The proposed regulatory action will not result in costs or savings to any state agency, costs or savings to any local agency or school district that is required to be reimbursed under Part 7 of Division 4 (commencing with Section 17500 of the Government Code), other nondiscretionary costs or savings on local agencies, or costs or savings in federal funding to the state.

Cost Impact on Affected Private Persons

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Housing Costs

The proposed regulatory action will not have a significant effect on housing costs.

Effect on Small Business

The proposed regulatory action will not affect small businesses, because it affects all licensees equally who must comply with the professional standards of practice.

Contact Person

Inquiries or comments concerning the proposed administrative action may be addressed to:

Court Reporters Board of California
2535 Capitol Oaks Drive, Suite 230
Sacramento, CA 95833
Attn: Julia Miranda-Bursell
(916) 263-3660
(916) 263-3664 (FAX)
Julia_Miranda-Bursell@dca.ca.gov

The backup contact person is:

David Brown
(916) 263-3660
(916) 263-3664 (FAX)
David_Brown@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Julia Miranda-Bursell at (916) 263-3660.

Comment Period

Written comments must be received by the Board at the Court Reporters Board of California, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833 not later than March 27, 2006 at 5:00 p.m. or at the hearing to be held in the 3rd Floor Conference Room at 2535 Capitol Oaks Drive, Sacramento, CA 95833 at 10:00 a.m. on March 28, 2006.

Availability of Modifications

With the exception of technical or grammatical changes, the full text of any modified proposal will be available from the person designated in this notice as contact person for 15 days prior to its adoption and will be mailed to those persons who submit written or oral testimony related to this proposed regulatory action or who have requested notification of any changes to the proposal.

Reference to Text and Initial Statement of Reasons

The Board has prepared a statement of the reasons for the proposed action, which is available to the public upon request. The express terms of the proposed action and all information upon which the proposal is based are available upon request.

Business Impact

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because it affects all licensees equally who must comply with the professional standards of practice.

Impact on Jobs/New Businesses

The proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California, because it affects all licensees equally who must comply with the professional standards of practice.

Public Hearing

A public hearing will be held in the 3rd Floor Conference Room at 2535 Capitol Oaks Drive, Sacramento, CA 95833 at 10:00 a.m. on March 28, 2006.

Federal Mandate

The proposed regulatory action is not mandated by federal law or is not identical to any previously adopted or amended federal regulation.

Consideration of Alternatives

The Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be either more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposed regulatory action. The actual determination must be part of both the Initial and Final Statement of Reasons.

Availability of the Final Statement of Reasons

Interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the contact person named above.

Website Access

Materials regarding the proposed regulatory action can be found at www.courtreportersboard.ca.gov.